

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Patrick Thelen,

Petitioner,      Case No. 19-cv-10212

v.

Judith E. Levy  
United States District Judge

James Billingsley,

Mag. Judge David R. Grand

Respondent.

\_\_\_\_\_/

**OPINION AND ORDER SUMMARILY DISMISSING THE  
PETITION FOR WRIT OF HABEAS CORPUS [1]  
AS DUPLICATIVE**

Petitioner Patrick Thelen, residing at the RRC Halfway House in Saginaw, Michigan, seeks the issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In his *pro se* application, Petitioner challenges a disciplinary hearing in which he was found guilty of testing positive in a urinalysis for using amphetamines. This resulted in the loss of 39 days credit. However, for the reasons set forth below, the petition is summarily dismissed as duplicative of an already pending habeas petition.

A suit is duplicative and subject to dismissal if the claims, parties, and available relief do not significantly differ from an earlier-filed action. *See Smith v. S.E.C.*, 129 F.3d 356, 361 (6th Cir. 1997); *see also Waad v. Farmers Ins. Exch.*, No. 18-1588, 2019 U.S. App. LEXIS 3051, at \*10 (6th Cir. Jan. 30, 2019) (stating that a district court can dismiss a duplicative lawsuit based on the inherent authority to manage its own docket.) The current petition challenges the same disciplinary hearing as an earlier petition. There is no meaningful difference between the two matters and, moreover, the earlier petition is still pending in this Court. (Case No. 18-cv-13719; Dkt. 1.) There is no need to litigate the same petition in two parallel proceedings. The current petition is therefore summarily dismissed.

Accordingly, it is **ORDERED** that the petition for a writ of habeas corpus (Dkt. 1) is **DISMISSED** as a duplicate petition. This dismissal is without prejudice to the earlier filed petition. (Case No. 18-cv-13719; Dkt. 1.)

IT IS SO ORDERED.

Dated: February 11, 2019  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 11, 2019.

s/Shawna Burns

SHAWNA BURNS

Case Manager